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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,330	07/11/2003	Rebecca A. LAWSON	4020	1329
23699	7590	11/17/2004	EXAMINER	
CLAUSEN MILLER, P.C			KHAIRA, NAVNEET K	
SUITE 1600			ART UNIT	
10S. LASALLE STREET			PAPER NUMBER	
CHICAGO, IL 60603			3754	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,330

Applicant(s)

LAWSON ET AL.

Examiner

Navneet Sonia Khaira

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejection under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 2, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ritter (US 6,309,059).

Referring to claim 1, Ritter discloses a valve comprising: a base (3, Fig 1) having a portion for covering (1, Fig 1) an end of a container and a valve seat (5, Fig 1), the covering portion (1, Fig 1) having an aperture, a cap (13, Fig 1) mounted to the base (3, Fig 1) and includes a side-wall (Fig 1), a flexible annular portion (8, Fig 1) extending radially inward (12, Fig 1) from the sidewall (Fig 1) and terminating in a valve rim (Fig.1), the flexible portion (8, Fig.1) being configured to flex downward (Open state, Fig.2) when subjected to pressure from the container fluid material (Col.3, lines 46-49), and means for attaching the cap to the base (3, Fig 1) such that the cap can be rotated (Col 4, line 30) with respect to the base (3, Fig 1); and means for retaining the flexible annular portion in an un-flexed position (Closed state, Fig 2), wherein rotating (Col 4, line 30) the cap (13, Fig 1) causes the retaining means to disengage(cap is

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removed), enabling the flexible annular portion (8, Fig 1) to flex downward (Open state, Fig 2) when subjected to pressure from the container fluid material (Col.3, lines 46-49) to expose an annular opening (6, Fig 2) between the valve rim (area on which end of 12 rests on) and the valve seat (5, Fig 1) through which fluid may flow.

Ritter further discloses in claim 2 that the retaining means comprises a locking pin (10, Fig 1) affixed to the base (3, Fig 1) and a cam pin (4, Fig 1) extending upward from the flexible annular portion (8, Fig 1) and adapted to engage the locking pin (10, Fig 1). Ritter shows that the retaining means comprises latching protuberances (10) that act as locking pins affixed to the base (3) and the ribs (4) act as pins extending upward and engage in the latching protuberances (10).

Referring to claim 8, the valve seat is dish-shaped (5, Fig 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 3, 4, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritter (US 6,309,059) in view Rea et al (US 6,192,797).

Referring to claims 3 and 4, the Ritter reference discloses a pressure-activated valve for dispensing fluid materials as explained above but does not disclose a base having a neck portion defining a cylindrical space and extending axially downward from the periphery of the aperture, and a valve seat disposed within the cylindrical space and affixed to the inner surface of the neck by bridges. It also does not disclose a valve seat having a perimeter formed by a sidewall extending upwardly.

Rea et al discloses a base (26, Fig 3) comprises a neck portion (lower area on 38, Fig 3) defining a cylindrical space and extending axially downward from the periphery of the aperture (Fig 3) and a valve seat (36, Fig 3) is disposed within the cylindrical space and is affixed to the inner surface of the neck (lower area on 38, Fig 3) by an annular groove (46, Fig 4). Rea et al further discloses the valve seat (36, Fig 3) as having a perimeter formed by a sidewall extending upwardly (50, Fig 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the Ritter valve with a neck portion defining a cylindrical space and extending axially downward from the periphery of the aperture and the valve seat is disposed within the cylindrical space and is affixed to the inner surface of the neck by bridges and wherein the valve seat has a perimeter that further comprises a sidewall extending upward on a valve as

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taught by Rea et al. This modification would be desirable to create a valve that can be adjusted to accommodate fluids having different viscosities.

Referring to claims 9-11, the Ritter reference discloses a pressure-activated valve for dispensing fluid materials above but does not disclose a base that further comprises a sidewall extending downward from the periphery of the covering portion, a flange extending radially outward from the bottom of the base sidewall, and a nozzle extension adapted to fit onto the cap.

Rea et al discloses another ink cartridge used in dispensing fluids with a sidewall (28, Fig 2) extending downward from the periphery (26, Fig 2) of the covering portion, a flange (30, Fig 2) extending radially outward from the bottom of the base sidewall (28, Fig 2), and a nozzle extension (60, Fig 2) adapted to fit onto the cap (38, Fig 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the Ritter valve with a sidewall, a flange, and a nozzle extension on the valve as taught by Rea et al. The modified configuration would produce a valve on a cartridge which comprises a sidewall extending downward from the periphery of the covering portion, a flange extending radially outward from the bottom of the base sidewall, and a nozzle extension adapted to fit onto the cap. This modification would be desirable to create a valve that can be adjusted to accommodate fluids having different viscosities.

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Allowable Subject Matter

Claim 12-15 are allowed.

Claims 5, 6, 7, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet Sonia Khaira whose telephone number is 703-305-0860 (571-272-7142 after 11/23/04). The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mar Y. Michael can be reached on 703-308-2087 (571-272-4906 after 11/23). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Navneet Sonia Khaira
Examiner
Art Unit 3754

NK



MICHAEL MAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700